



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

**OFFICE OF THE DIRECTOR**  
1509 West Seventh Street, Suite 401  
Post Office Box 3278  
Little Rock, Arkansas 72203-3278  
Phone: (501) 682-2242  
Fax: (501) 682-1029  
<http://www.state.ar.us/dfa>

March 4, 2010

Mr. Gary Meadows  
Allied Ambulance Service, LLC  
P.O. Box 453  
Ward, AR 72176

Re: Advisory Opinion No. 2010-05

Dear Mr. Meadows:

This letter is in response to your request for an advisory opinion regarding the Arkansas conflict of interest statutes, in accordance with Ark. Code Ann. § 19-11-715(b). This opinion is based upon the following facts and assertions, as I understand them. It should be noted that if one or more of these facts are later shown to be incorrect or assertions unfounded, such could form the basis for the issuance of a revised opinion.

- (1) You are an employee of Southern Arkansas University – Tech, the Arkansas Fire Training Academy as an off-site instructor;
- (2) You are paid by the university and not by the State;
- (3) You also are the owner of Allied Ambulance Service, LLC, whereby you provide emergency medical services (EMS) to residents of Lonoke County;
- (4) Your company, along with all other eligible EMS companies in Lonoke County, is in line to receive a Trauma EMS Start-Up grant from the Arkansas Department of Health pursuant to Act 393 of 2009.
- (5) The funding formula for these grants is constant between your company and the other recipient EMS companies in Lonoke County.

As you know, Act 483 of 1979, codified at Ark. Code Ann. § 19-11-101 et seq. (the "Act"), along with the Governor's Executive Order 98-04, places strict ethical guidelines on the employees of the State of Arkansas. The ethics portion of the Act prohibits state agency contracts with a business in which an employee has a financial interest. *See* Ark. Code Ann. § 19-11-705.

However, the above rule does not apply to employees of state-supported institutions of higher education under Ark. Code Ann. § 19-11-717. That statute states, in part, that, "[n]othing in the Arkansas Procurement Law, § 19-11-201 et seq., ... shall prevent a state agency from contracting for goods or services ... with an organization that employs or contracts with a

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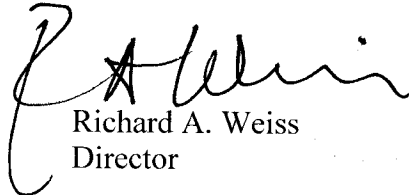
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regular, full-time, or part-time employee of a state-supported institution of higher education in situations in which the employee of the state-supported institution of higher education will provide some or all of the goods or services under the contract." Ark. Code Ann. § 19-11-717(b)(1). Accordingly and in light of the fact that all eligible EMS providers in your county will receive such grant monies in equal amounts and without favor, I have determined that no conflict of interest exists in this instance.

Please be advised that Ark. Code Ann. § 19-11-717(c) requires that all employees of institutions of higher education who receive such benefits disclose such benefits obtained during any calendar year. This document must be filed with the Secretary of State's office no later than January 31 of each year.

This advisory opinion is issued in accordance with Ark. Code Ann § 19-11-715. Compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act and Executive Order 98-04.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Weiss", is written over the typed name and title.

Richard A. Weiss  
Director

cc: Jane Benton, Administrator  
Office of State Procurement